

REMARKS

This Office Action of November 14, 2006 has been carefully considered and these remarks are responsive thereto. Claims 1-3, 5-8, 27, 44-45, 47-50, 93-101 are pending. Claims 99-101 are new. Claims 4 and 46 are cancelled. Claim 1, 8, 44, 50 and 97 are amended. Claims 1-3, 5-7, 27, 44-45, 47-49, 93-94 and 96 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,353,754 to Fischell ("Fischell"). Claims 4, 8, 46, 50, 95 and 97-98 were objected to as depending from rejected claims but were deemed allowable if rewritten in independent form to include the features of base claims and any intervening claims.

Amendments to the Drawings

Figure 12 was amended to correct an inadvertent use of the same label for two different elements. The wire is now labeled as element 24a rather than element 22 so as to avoid confusion with the catheter 22 depicted in Figure 13.

Amendments to the Specification

The specification has been amended to correct noted typographical errors and to ensure that all the labels show in the Figures are also discussed in the specification. No new matter was added and entry of these amendments is respectfully requested.

Cancelled Claims

The features of claim 4 have been incorporated into claim 1 and claim 4 has been cancelled. Similarly, the features of claim 46 have been incorporated into claim 44 and claim 46 has been cancelled. Accordingly, the cancellation of claims 4 and 46 is without prejudice or disclaimer.

Amendment to the Claims

Claims 1, 8, 44, 50 and 97 have been amended. No new matter was added by these amendments.

Claim 1 has been amended to recite the features of claim 4, which was deemed allowable. Accordingly, claim 1 is now believed to be in condition for allowance.

Claim 44 has been amended to recite the features of claim 46, which was deemed allowable. Accordingly, claim 44 is now believed to be in condition for allowance.

Claims 8, 50 and 97 have been rewritten in independent form to include the base claims and any intervening claims. Accordingly, claims 8, 50 and 97 are believed to be in condition for allowance.

New Claims

Claims 99-101 are new. New claim 99 includes features from original claim 1 as well as feature from objected claim 97, thus no new matter was added. Claim 100 depend from claim 99 and support for this claim is at least found in paragraph 123, which begins on page 38 of the specification as filed. Claim 101 is based on claim 99. Thus these new claims do not add new matter. In view of the previous indications of allowability, these new claims are also believed to be in condition for allowance and notice of same is earnestly sought.

Objected Claims

Claims 4 and 46 were cancelled and their features were incorporated into the claims 1 and 44, respectively. Claims 8, 50 and 97 were rewritten in independent form to include the features of their respective base claims and any intervening claims. Claims 95 and 98 depend from claim 44, which is believed to be allowable in view of the incorporation of subject matter from claim 46 into claim 44. Accordingly, the objection to claims 4, 8, 46, 50, 95 and 97-98 is believed to have been obviated.

Rejection under 35 U.S.C. § 102 - Fischell

Claims 1-3, 5-7, 27, 44-45, 47-49, 93-94 and 96 were rejected under 35 U.S.C. § 102 as being anticipated by Fischell. As noted above, however, the independent claims have been amended to include features of dependent claims which were deemed to contain allowable subject matter. Accordingly, this ground of rejection is believed to be traversed.

CONCLUSION

All objections and rejections having been addressed, Applicants respectfully submit that the pending claims are in condition for allowance. A notice to this effect is respectfully requested. Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone.

Respectfully submitted,
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Dated: February 14, 2007

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